

**MEMO ENDORSED**

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July 28, 2023

Via ECF; Total Pages: 2

Hon. Valerie E. Caproni, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square New York  
New York, NY 10007

Re: Mabry v. LAML, LLC d/b/a John Sullivan's Bar & Grill et al.  
Docket No.: 1:23-cv-05468-VEC

Dear Judge Caproni:

This office represents defendants LAML, LLC, 240 BBJ Pub Inc., 505 HP LLC, Brendan Creegan, and John Creegan (hereinafter collectively "Defendants") in the above referenced matter. We are in receipt of Plaintiff's discovery letter motion filed on July 26, 2023 (Doc 20) seeking an order from the court instructing Defendants to produce a class wide sample of payroll information. Please accept the following in response.

Plaintiff has failed to comply with paragraph 3(B) of Your Honor's Individual Rules, which requires that parties must first meet and confer in good faith, in person or by telephone, in an effort to resolve any discovery dispute. No specific meet and confer phone call has taken place in regard to this issue (only a brief exchange of emails). As such, Defendants respectfully object to Plaintiff's premature discovery letter to the court (Doc 20).

To ensure compliance with Your Honor's rules, Defendants seek time to meet and confer with Plaintiff's counsel to seek to resolve this discovery dispute, or at the very least, narrow the issues. In the case that the parties are unable to resolve this discovery dispute, we shall then jointly bring this matter to the court's attention by submitting a joint letter, upon completion of the meet and confer process.

Thank you for your attention and consideration in addressing this matter.

Respectfully submitted,

*Michael K. Chong*

Michael K. Chong, Esq.

Application GRANTED in part.

Discovery disputes are to be raised with the Court only after attempting to resolve the issues by meeting and conferring in good faith. Accordingly, Plaintiff's Letter Motion (Dkt. 20) is DENIED without prejudice.

The parties are directed to hold an **in-person** meet-and-confer for at least one hour to try and resolve this issue. If the parties are unable to reach agreement, the parties must: (1) by no later than **August 4, 2023**, file a joint letter of no more than 3 pages that briefly describes each party's position, certifies that an in-person conference took place, and indicates the duration of the conference; and (2) appear for a status conference on **Friday, August 11, 2023 at 10:00 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. If the parties' August 4, 2023 submission indicates that the issue has been resolved, the Court will cancel the conference.

Date: 7/28/2023

SO ORDERED.



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

MKC/nh

cc: Plaintiff's counsel (via ECF)